

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**BENNIE TATE and  
MAXINE TATE,**

**Plaintiffs,**

**v.**

**CEDAR POINT HOMEOWNERS  
ASSOCIATION, INC.**

**Defendant.**

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**CIVIL ACTION NO.**

**SA-06-CA-0696 FB**

**ORDER DENYING *IN FORMA PAUPERIS***

The matter before the Court is plaintiffs' application to proceed *in forma pauperis*. In their complaint plaintiffs allege illegal seizure of their home by defendant.

In their application to proceed *in forma pauperis*, plaintiffs state that plaintiff Maxine Tate is presently employed and has been since May 1973. She receives monthly wages of \$2,700. Plaintiffs also list social security and VA disability income in unspecified amounts over the past twelve months. Further, plaintiffs list six vehicles as assets. Plaintiffs list various expenses totaling \$26,316 during the past six months, which include \$7,600 for two home mortgages, and utilities for two homes, \$2,800 for auto payments with another \$1500 for auto insurance, and \$7,200 for "food, household necessities." While plaintiffs need not establish that they are totally destitute before they may be granted leave to proceed *in forma pauperis*, these plaintiffs have the resources to pay the \$350.00 filing fee to initiate this action.

It is therefore **ORDERED** that:

1. Plaintiffs' application for leave to proceed *in forma pauperis* is **DENIED**.
2. On or before 30 days from date of this Order, plaintiffs shall pay the \$350.00 filing fee in this cause.
3. In the event plaintiffs wish to appeal from my denial of the application for leave to proceed *in forma pauperis*, they must file their appeal to the District Court from this Order within 10 days of the date of this Order.
4. Plaintiffs are advised that in the event that they fail to either pay the \$350.00 filing fee or file an appeal from this Order within the time frames set forth above, the District Court will issue an Order dismissing this cause without prejudice.

**SIGNED** on August 23, 2006.



NANCY STEIN NOWAK  
UNITED STATES MAGISTRATE JUDGE